IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

RIICO v. Board of Revenue & Ors.

S.B.CIVIL WRIT PETITION NO.3680/2004
under Article 226 of the Constitution of India.

Date of Order : 8th March, 2006

P R E S E N T
HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Ravi Bhansali]
Mr. Pankaj Bohra ] for the petitioner.
Mr. R.K.Thanvi, for the respondents.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

BY THE COURT :

Counsel for the petitioner while advancing arguments in SBCivil Writ Petition No.3548/2004, RIICO v. Board of Revenue & Ors., pointed out that this writ petition is also directed against the same impugned judgments and involves similar facts. In view of the statement of learned counsel record of present writ petition is also called and is heard alongwith SBCivil Writ Petition No.3548/2004.

The Rajasthan State Industrial Development and Investment Corporation (hereinafter referred as “RIICO”), a Government Company incorporated under Indian Companies Act, 1926, by instant petition for writ has given challenge to validity and propriety of

the judgment dated 29.9.1993 passed by learned Board of Revenue for Rajasthan, Ajmer affirming the judgment dated 20.5.1987 passed by learned Revenue Appellate Authority, Sriganganagar.

The factual foundation, required to be noticed for effective adjudication of petition, is that the Collector, Sriganganagar while exercising powers under Rajasthan Land Revenue (Conversion of Agricultural Land into Non-agricultural Land) Rules, 1961 (hereinafter referred to as "the Rules of 1961"), accorded permission for conversion of agricultural land as non-agricultural land to the persons having agricultural holding of the land in dispute. In view of the conditions prescribed under Rule 5 of the Rules of 1961 all khatedari rights pertaining to the land were surrendered by the land holders and then it was allotted to them for using it for non-agricultural purposes. The allotment of land was cancelled by the Collector, Sriganganagar as the allottees failed to adhere the conditions prescribed to maintain allotment. Accordingly the land was ordered to be resumed with the State.

Being aggrieved by order of cancellation of allotment of land respondent Smt. Suman Setia preferred review petition before the Collector, Sriganganagar stating therein that the land in question was purchased by her and, therefore, no order

of cancellation could have been passed without affording an opportunity of hearing to her. The Collector, Sriganganagar by order dated 7.3.1984 rejected the review petition. Smt. Suman Setia challenged validity of the order above by way of filing appeal before learned Revenue Appellate Authority, Sriganganagar which came to be accepted with a direction to the Collector, Sriganganagar to decide the matter afresh by giving a opportunity of hearing to Smt. Suman Setia.

In pursuant to the directions given by learned Revenue Appellate Authority, Sriganganagar the Collector, Sriganganagar after hearing the parties concerned, by order dated 4.8.1986 rejected the review petition preferred by Smt. Suman Setia and maintained the order of cancellation of allotment of land in question. The Collector, Sriganganagar while rejecting the review petition held that the original allottees violated the conditions prescribed under the Rules of 1961 and as such they were not entitled to retain the land with them. The Collector while rejecting the review petition also mentioned the fact that the land has already been allotted to RIICO long back. It was left open for review petitioner Smt. Suman Setia to take appropriate proceedings before the competent forum for claiming damages from the original allottees.

Being aggrieved by order dated 4.8.1986 respondent Smt. Suman Setia preferred an appeal before the Revenue Appellate Authority, Sriganganagar which came to be accepted by judgment dated 20.5.1987. The Revenue Appellate Authority, Sriganganagar while setting aside the order dated 4.8.1986 allowed the RIICO to retain possession of the land and declare respondent Smt. Suman Setia entitled to claim compensation by treating her as khatedar tenant of the land concerned.

The RIICO being aggrieved by the judgment dated 20.5.1987 passed by the Revenue Appellate Authority, Sriganganagar preferred a second appeal before the Board of Revenue for Rajasthan, Ajmer as prescribed under Section 76 of the Land Revenue Act, 1956. The Board of Revenue by its judgment dated 29.9.1993 rejected the appeal and affirmed the judgment dated 20.5.1987 passed by the Revenue Appellate Authority, Sriganganagar. Hence this petition for writ is preferred before this Court under Articles 226 and 227 of the Constitution of India.

While giving challenge to the judgments impugned it is contended by learned counsel for the petitioner that the Board of Revenue erroneously reached at the conclusion that cancellation of allotment of land in favour of original allottees was bad in eye of law. The counsel for the petitioner also

urged that Smt. Suman Setia has wrongly been declared entitled for claiming compensation.

Before proceeding further it is pertinent to note that no challenge to the judgment passed by Revenue Appellate Authority, Sriganganagar as well as to the judgment given by Board of Revenue is given by State of Rajasthan. It is only the RIICO that has given challenge to the judgments passed by the Revenue Appellate Authority, Sriganganagar and the Board of Revenue for Rajasthan, Ajmer.

The Revenue Appellate Authority by the judgment impugned in specific terms allowed RIICO to retain possession of the land with it. Smt. Suman Setia is declared entitled for claiming compensation by treating her khatedar tenant of the land concerned. The liability of payment of compensation is not on RIICO as the land from khatedar tenant was taken over by State of Rajasthan.

In view of it, I am of the considered opinion that there is no cause for RIICO to give challenge to the judgments impugned. It is only the State of Rajasthan that may have grievance with the judgments impugned but in no case RIICO may have grievance with the judgments impugned. Counsel for the petitioner also failed to satisfy the Court as to how the judgments impugned are effecting the RIICO adversely.

In view of the discussion above, the writ petition deserves dismissal, accordingly the same is hereby dismissed.

( GOVIND MATHUR ),J.

kkm/ps.